

TOWN OF KENT  
NOTICE OF HEARING

LOCAL LAW AUTHORIZING  
PURCHASING BASED ON BEST VALUE

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Kent, New York, on October 4, 2016 a local law to authorize the Town to purchase based upon best value pursuant to General Municipal Law Section 103.

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Kent, New York will hold a public hearing on the aforesaid Amendment at the Town Offices, 25 Sybil's Crossing, Kent, New York, on October 18, at 7:30 p.m. in the evening of that day at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: October 4, 2016

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF KENT

YOLANDA D. CAPELLI, TOWN CLERK

TOWN OF KENT  
County of Putnam, State of New York  
RESOLUTION INTRODUCING  
LOCAL LAW \_\_-2016 AND PROVIDING FOR PUBLIC  
NOTICE AND HEARING

INTRODUCED BY: COUNCILWOMAN MC GLASSON

SECONDED BY: SUPERVISOR FLEMING

DATE OF CONSIDERATION/ADOPTION: OCTOBER 4, 2016

BE IT RESOLVED that consistent with General Municipal Law Section 103 a Local Law to authorize purchasing based on best value is hereby introduced by Councilwoman McGlasson as Introductory Local Law #\_\_\_\_ of the year 2016 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed local law, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Kent, New York at 7:30 o'clock P.M. on October 18, 2016, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Motion carried unanimously

## **TOWN OF KENT**

### **LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2016**

#### **LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE**

Section 1. Title: This law shall be known as the “Local Law to Authorize Purchasing Based on Best Value”.

Section 2. Declaration of Intent: General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Town Board of Town of Kent hereby determines that it is in the best interest of the Town of Kent and its residents for the Town Board to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:

- (a) lowest cost of maintenance for good(s) or service(s);
- (b) durability of good(s) or service(s);
- (c) higher quality of good(s) or service(s); or
- (d) longer product life of good(s) or service(s)

Section 3. Authority: On and after the effective date of this law, the Town Board may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

a. Where the basis for award is the best value offer, the Town Board shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

b. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town Board in their determination of best value.

c. The election to award any such contract on the basis of best value shall be made by the Town Board in consultation with the Department Head. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.